

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RICHARD COOEY, et al.,)	
)	
Plaintiff,)	
)	Case No. 2:04cv1156
v.)	
)	Judge Gregory L. Frost
ROBERT TAFT, Governor, et al.,)	Magistrate Judge Mark R. Abel
)	
Defendants.)	
)	

NOTICE OF DISMISSAL WITHOUT PREJUDICE

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff-Intervenor John G. Spirko, Jr. hereby voluntarily dismisses his complaint in this action (Doc. # 138) without prejudice and withdraws from this action. Mr. Spirko moved to intervene into this lawsuit on November 7, 2006 (Doc. # 119), and this Court permitted him to intervene on November 22, 2006 (Doc. # 137). Defendants have not yet filed an answer to Mr. Spirko's complaint or a motion for summary judgment.

DATED: January 22, 2008

Respectfully submitted,

/s/ Alvin Dunn
Thomas C. Hill
Alvin Dunn
Ashley McDonald
Alison B. Rousseau
PILLSBURY WINTHROP SHAW PITTMAN LLP
2300 N Street, N.W.
Washington, D.C. 20037-1128
(202) 663-8000

David C. Stebbins (Ohio Bar No. 0005839)
400 South Fifth Street, Suite 301
Columbus, OH 43215
(614) 228-9058

Attorneys for Plaintiff-Intervenor John G. Spirko, Jr.

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of January, 2008, a true and correct copy of the foregoing Notice of Dismissal Without Prejudice has been electronically filed. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. In addition, the following parties were served via first-class, postage-prepaid U.S. mail:

Mark W Wiles
189-200
Ohio State Penitentiary
878 Coitsville-Hubbard Rd.
PO Box 1436
Youngstown, OH 44505
PRO SE

Richard Nields
A352374
OSP
878 Coitsville-Hubbard Rd.
Youngstown, OH 44505
PRO SE

/s/ Alvin Dunn